

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11924-RGS

IAN J. BROWN, JAMES
BROWN, and BARBARA
BROWN,
Plaintiffs,

v.

UNITED STATES OF
AMERICA, VERIZON NEW
ENGLAND, INC., and
BOSTON EDISON COMPANY
d/b/a NSTAR ELECTRIC,
Defendants.

**PLAINTIFFS' OPPOSITION TO DEFENDANT UNITED STATES
OF AMERICA'S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Ian Brown, James Brown and Barbara Brown do hereby submit their opposition to Defendant United States of America's Motion for Summary Judgment.

As grounds therefore, Plaintiffs state that:

1. Defendant United States of America ("USA") owned and/or controlled the land upon which the subject unreasonably dangerous condition existed;
2. As owner/ controller of said land, Defendant USA owed a duty of reasonable care to Plaintiff Ian Brown;
3. M.G.L. c. 260, Sec. 2B, the so-called Statute of Repose, does not bar Plaintiffs' claims against Defendant USA

all of which grounds will be more fully set forth in Plaintiffs' Memorandum of Law in Support of Their Opposition to Defendant United States of America's Motion for Summary Judgment, which memorandum is filed herewith.

Respectfully submitted,

The Plaintiffs,
IAN J. BROWN, JAMES
BROWN, and BARBARA BROWN,
By their attorney,

/s/

Scott E. Charnas, BBO No. 081240
Manheimer & Charnas, LLP
210 Commercial Street
Boston, MA 02109
(617) 557-4700 (telephone)

Date: April 18, 2007

CERTIFICATE OF SERVICE

I, Scott E. Charnas, hereby certify that on the 18th day of April, 2007, I caused a copy of the foregoing to be served, by electronic filing upon Anita Johnson, Esquire, Assistant United States Attorney, Moakley Federal Courthouse, One Courthouse Way, Suite 9200, Boston, Massachusetts 02210, Joshua Lewin, Esquire, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114, and Michael K. Callahan, Esquire, NSTAR Electric, Prudential Tower, 800 Boylston Street, Boston, MA 02199.

/s/

Scott E. Charnas'